

LEGISLATURE OF NEBRASKA
NINETY-NINTH LEGISLATURE
FIRST SESSION

LEGISLATIVE BILL 200

Introduced by Friend, 10; Hudkins, 21; Redfield, 12

Read first time January 7, 2005

Committee: Judiciary

A BILL

1 FOR AN ACT relating to law enforcement; to amend sections 13-926
2 and 81-8,239.01, Reissue Revised Statutes of Nebraska; to
3 eliminate the strict liability requirement for pursuits
4 by law enforcement officers; to harmonize provisions; to
5 repeal the original sections; and to outright repeal
6 sections 13-911 and 81-8,215.01, Reissue Revised Statutes
7 of Nebraska.

8 Be it enacted by the people of the State of Nebraska,

1 Section 1. Section 13-926, Reissue Revised Statutes of
2 Nebraska, is amended to read:

3 13-926. The total amount recoverable under the Political
4 Subdivisions Tort Claims Act for claims arising out of an
5 occurrence after November 16, 1985, shall be limited to:

6 (1) One million dollars for any person for any number of
7 claims arising out of a single occurrence; and

8 (2) Five million dollars for all claims arising out of a
9 single occurrence.

10 If the damages sustained by an innocent third party
11 pursuant to section 13-911 are not fully recoverable from one or
12 more political subdivisions due to the limitations in this section,
13 additional sources for recovery shall be as follows: First, any
14 offsetting payments specified in subsection (3) of section 13-911
15 shall be reduced to the extent necessary to fully compensate the
16 innocent third party, and second, if such reduction is insufficient
17 to fully compensate the innocent third party, the right of
18 reimbursement granted to the political subdivision in subsection
19 (2) of section 13-911 shall be reduced to the extent necessary to
20 fully compensate the innocent third party.

21 Sec. 2. Section 81-8,239.01, Reissue Revised Statutes of
22 Nebraska, is amended to read:

23 81-8,239.01. (1) For purposes of sections 81-8,239.01 to
24 81-8,239.08, unless the context otherwise requires, the definition
25 of state agencies found in section 81-8,210 shall apply, except
26 that such term shall not include the Board of Regents of the
27 University of Nebraska.

28 (2) There is hereby established a division within the

1 Department of Administrative Services to be known as the risk
2 management and state claims division. The division shall be headed
3 by the Risk Manager who shall be appointed by the Director of
4 Administrative Services. The division shall be responsible for the
5 Risk Management Program, which program is hereby created. The
6 program shall consist of the systematic identification of exposures
7 to risk of loss as provided in sections 11-201 to 11-203, ~~13-911,~~
8 25-2165, 43-1320, 44-1615, 44-1616, 48-194, 48-197, 48-1,103,
9 48-1,104, 48-1,107, 48-1,109, 81-8,212, 81-8,220, 81-8,225,
10 81-8,226, 81-8,233, 81-8,239.01 to 81-8,239.08, and 81-8,300 and
11 shall include the appropriate methods for dealing with such
12 exposures in relation to the state budget pursuant to such
13 sections. Such program shall be administered by the Risk Manager
14 and shall include the operations of the State Claims Board and
15 other operations provided in such sections.

16 (3) Under the Risk Management Program, the Risk Manager
17 shall have the authority and responsibility to:

18 (a) Employ any personnel necessary to administer the Risk
19 Management Program;

20 (b) Develop and maintain loss and exposure data on all
21 state property and liability risks;

22 (c) Develop and recommend risk reduction or elimination
23 programs for the state and its agencies and establish, implement,
24 and monitor a statewide safety program;

25 (d) Determine which risk exposures shall be insured and
26 which risk exposures shall be self-insured or assumed by the state;

27 (e) Establish standards for the purchase of necessary
28 insurance coverage or risk management services at the lowest costs,

1 consistent with good underwriting practices and sound risk
2 management techniques;

3 (f) Be the exclusive negotiating and contracting agency
4 to purchase insurance or risk management services and, after
5 consultation with the state agency for which the insurance or
6 services are purchased, enter into such contracts on behalf of the
7 state and its agencies, officials, and employees to the extent
8 deemed necessary and in the best interest of the state, and
9 authorize payment for such purchase out of the appropriate funds
10 created by section 81-8,239.02;

11 (g) Determine whether the state suffered a loss for which
12 self-insured property loss funds have been created and authorize
13 and administer payments for such loss from the State Self-Insured
14 Property Fund for the purpose of replacing or rebuilding state
15 property;

16 (h) Perform all duties assigned to the Risk Manager under
17 the Nebraska Workers' Compensation Act and sections 11-201 to
18 11-203, 81-8,239.05, 81-8,239.07, and 84-1601 to 84-1615;

19 (i) Approve the use of risk management pools by any
20 department, agency, board, bureau, commission, or council of the
21 State of Nebraska; and

22 (j) Recommend to the Legislature such legislation as may
23 be necessary to carry out the purposes of the Risk Management
24 Program and make appropriation requests for the administration of
25 the program and the funding of the separate funds administered by
26 the Risk Manager.

27 (4) No official or employee of any entity created
28 pursuant to the Interlocal Cooperation Act or the Joint Public

1 Agency Act shall be considered a state official or employee for
2 purposes of sections 81-8,239.01 to 81-8,239.06.

3 Sec. 3. Original sections 13-926 and 81-8,239.01,
4 Reissue Revised Statutes of Nebraska, are repealed.

5 Sec. 4. The following sections are outright repealed:
6 Sections 13-911 and 81-8,215.01, Reissue Revised Statutes of
7 Nebraska.